

十一

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

~~Amended~~ Application of Joo H. Chung, Michael Sun, Kenneth Gould, and Frank Huang  
Serial No.: 09/752,744 Group Art Unit:  
Filed: 12/29/2000 Examiner:

## For: System and Method for Multicast Stream Failover

## PETITION TO REVIVE

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Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

JUN 1 2 2002

## **OFFICE OF PETITIONS**

Sir:

Applicant hereby petitions for revival of the above-indicated application which was inadvertently abandoned as a result of being unable to get signed documents from the inventor's on this application.

The four inventors in the above referenced patent application, only two executed assignments were returned. Despite attempts to contact the inventors for executed documents, nothing was received.

Two of the inventors joined a competing company to that of the assignee Road Runner, Inc., making the attaining of documents virtually impossible although the firm tried on several occasions.

Pursuant to employee agreements that all four inventors had obligations to send executed documents related to this application and to assign them rights to assignee Road Runner, Inc. In fact two of the inventors did execute assignments but did not execute declarations.

The last known addresses for the inventors are:

Joo Chung  
5104 Woodfield Drive  
Centreville, VA 20120

Michael Sun  
2 Case Street, Apt 212  
Syracuse, NY 13244

06/12/2002 AHONDAF1 00000163 09752744

01 FC:141

1280.00 OP

June 10, 2002

Atty. Docket No. 2585-001

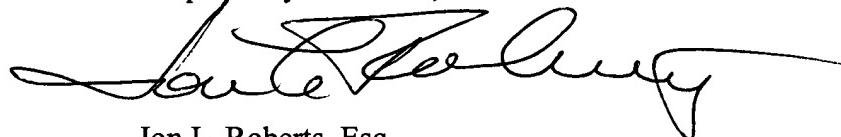
Kenneth Gould  
11273 B Waples Mill Road  
Oakton, VA 22124

Frank Huang  
1218 Wild Hawthorn Way  
Reston, VA 20194

In view of the above statement of facts Applicant/Assignee Road Runner, Inc. hereby submits (1) a Declaration of the undersigned attorney setting forth the facts and circumstances surrounding the inadvertent abandonment of this application, (2) Declaration of Mr. Kenneth Gould, and (3) copies of the recorded assignments of inventors Michael Sun and Kenneth Gould (4) the fee specified in 37 C.F.R. § 2.6.

In view of the above it is respectfully submitted that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137 (b) was unintentional.

Respectfully submitted,



Jon L. Roberts, Esq.  
Registration No. 31,293  
Roberts Abokhair & Mardula, LLC  
11800 Sunrise Valley Drive, Suite 1000  
Reston, VA 20191-5302  
(703) 391-2900



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

AUGUST 2001

PTAS

ROBERTS ABOKHAIR & MARDULA, LLC  
JON L. ROBERTS, ESQ.  
11800 SUNRISE VALLEY DRIVE  
SUITE 1000  
RESTON, VA 20191



\*101733898A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/22/2001

REEL/FRAME: 011832/0862  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
SUN, MICHAEL

DOC DATE: 05/21/2001

ASSIGNEE:  
ROAD RUNNER  
13241 WOODLAND PARK ROAD  
HERNDON, VIRGINIA 20171

SERIAL NUMBER: 09752744  
PATENT NUMBER:

FILING DATE: 12/29/2000  
ISSUE DATE:

SEDLEY PYNE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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JUN 10 2002

S-148

05-30-2001

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

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101733898

To the Honorable Commissioner of Patents and Trademarks, please record the attached original documents or copy thereof.

## 2. Name of conveying party(ies):

Michael Sun

S-72-01

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

- Assignment       Merger  
 Security Agreement       Change of Name  
 Other \_\_\_\_\_

Execution Date: May 21, 2001

## 2. Name and address of receiving party(ies):

Name: Road Runner

Internal Address:

MAY 22, 2001

Street Address: 13241 Woodland Park Road

City: Herndon State: VA ZIP: 20171

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

## A. Patent Application No.(s)

09/752,744

## B. Patent No.(s)

406

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Jon L. Roberts, Esq.

Internal Address: \_\_\_\_\_

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

 Enclosed Authorized to be charged to deposit account

## 8. Deposit account number:

18/1579

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

\_\_\_\_\_  
Jon L. Roberts, Esq.  
Name of Person Signing\_\_\_\_\_  
Signature\_\_\_\_\_  
05/21/01  
Date

Total number of pages including cover sheet: 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joo C. Chung, Michael Sun, Kenneth Gould and Frank Huang

Serial No.: 09/752,744

Group Art Unit: 2661

Filed: Dec. 29, 2000

Examiner:

FOR: **SYSTEM AND METHOD FOR MULTICAST STREAM FAILOVER**

\* \* \* \* \*

**ASSIGNMENT Pursuant to 37 CFR § 3.56**

\* \* \* \* \*

I, Michael Sun, residing at 11524 Olde Tiverton Circle # 201, Reston VA 20194 for good and valuable consideration, the sufficiency of which is hereby acknowledged, do hereby sell, assign and transfer unto Road Runner, Inc., a corporation organized under the laws of the State of **Delaware** and having its principal office at **13241 Woodland Park Road, Herndon, Virginia, 20171** (hereinafter "ASSIGNEE,"), the entire right, title and interest, together with all rights of priority, in and to my invention for a **SYSTEM AND METHOD FOR MULTICAST STREAM FAILOVER** as described and/or claimed in my application for Letters Patent of the United States of America, Serial No. **09/752,744**, filed **December 29, 2000**, as well as all foreign counterparts thereof together with all Letters Patent issuing on the aforesaid application for Letters Patent, the same to be held and enjoyed by ASSIGNEE, its successors, assigns or other legal representatives, to the full ends of the terms of all said Letters Patent therefore which may be granted.

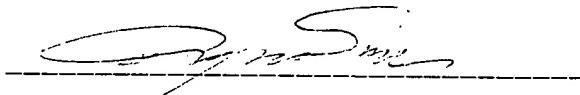
**I HEREBY AUTHORIZE ASSIGNEE** to make application for and to receive Letters Patent for said invention in any foreign countries in its own name, or in my name, at its election.

**AND I HEREBY COVENANT AND AGREE** that I will execute or procure any further necessary assurance of title to said invention and any Letters Patent which may issue therefor and

that I will, at any time, upon the request and at the expense of ASSIGNEE deliver any testimony in any legal proceedings and execute all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patent which may be granted therefor in ASSIGNEE, its successors, assigns, or other legal representatives, and that I will, at any time, upon the request and at the expense of the ASSIGNEE execute any continuations, divisions, reissues, or any other additional applications for Letters Patent for said invention or any part or parts thereof, all of which applications and any Letters Patent issuing thereof are hereby assigned to ASSIGNEE, and will make all rightful oaths, and do all lawful acts requisite for procuring the same therein, without further compensation, but at the expense of ASSIGNEE, its successors, assigns or other legal representatives.

AND I HEREBY AUTHORIZE AND REQUEST the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States for said invention, resulting from any of the aforesaid application to assignee.

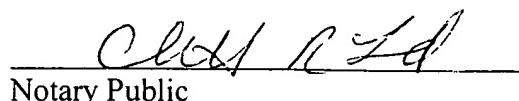
WITNESS MY HAND and seal this 21 of MAY, 2001.



STATE OF VIRGINIA

COUNTY OF FAIRFAX

On this 21 day of MAY, 2001 personally appeared before me Michael S. Smith to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

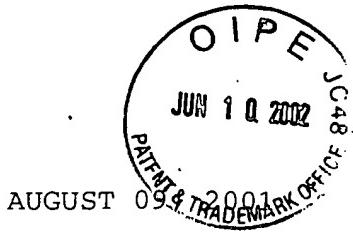
  
Notary Public

My commission expires: 1-31-04

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Washington, D.C. 20231

AUGUST 09 2001

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ROBERTS ABOKHAIR & MARDULA LLC  
JON L. ROBERTS, ESQ.  
11800 SUNRISE VALLEY DRIVE, SUITE 1000  
RESTON, VA 20191



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RECORDATION DATE: 05/22/2001

REEL/FRAME: 011832/0865  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
GOULD, KENNETH

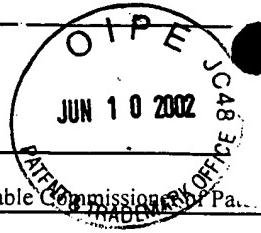
DOC DATE: 05/21/2001

ASSIGNEE:  
ROAD RUNNER  
13241 WOODLAND PARK ROAD  
HERNDON, VIRGINIA 20171

SERIAL NUMBER: 09752744  
PATENT NUMBER:

FILING DATE: 12/29/2000  
ISSUE DATE:

LAZENA MARTIN, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



05-30-2001



101733897

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks

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Y

original documents or copy thereof.

## 1. Name of conveying party(ies):

Kenneth Gould

5-22-01

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

- Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: May 21, 2001

## 2. Name and address of receiving party(ies):

Name: Road Runner

Internal Address:

23200

Street Address: 13241 Woodland Park Road

City: Herndon State: VA ZIP: 20171

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

## A. Patent Application No.(s)

09/752,744

## B. Patent No.(s)

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Jon L. Roberts, Esq.

Internal Address: \_\_\_\_\_

Street Address: Roberts Abokhair &amp; Mardula, LLC

11800 Sunrise Valley Drive, Suite 1000

City: Reston State: VA ZIP: 20191

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

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## 8. Deposit account number:

18/1579

(Attach duplicate copy of this page if paying by deposit account)

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

\_\_\_\_\_  
Jon L. Roberts, Esq.  
Name of Person Signing\_\_\_\_\_  
Signature\_\_\_\_\_  
Date

Total number of pages including cover sheet: 3

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Serial No.: 09/752,744                          Group Art Unit: 2661

Filed: Dec. 29, 2000                          Examiner:

FOR: **SYSTEM AND METHOD FOR MULTICAST STREAM FAILOVER**

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**ASSIGNMENT Pursuant to 37 CFR § 3.56**

OFFICE OF PETITIONS

\* \* \* \* \*

I, Kenneth Gould, residing at 112738 Wadsworth Rd, Oakton VA 22124 for good and valuable consideration, the sufficiency of which is hereby acknowledged, do hereby sell, assign and transfer unto Road Runner, Inc., a corporation organized under the laws of the State of **Delaware** and having its principal office at **13241 Woodland Park Road, Herndon, Virginia, 20171** (hereinafter "ASSIGNEE,"), the entire right, title and interest, together with all rights of priority, in and to my invention for a **SYSTEM AND METHOD FOR MULTICAST STREAM FAILOVER** as described and/or claimed in my application for Letters Patent of the United States of America, Serial No. **09/752,744**, filed **December 29, 2000**, as well as all foreign counterparts thereof together with all Letters Patent issuing on the aforesaid application for Letters Patent, the same to be held and enjoyed by ASSIGNEE, its successors, assigns or other legal representatives, to the full ends of the terms of all said Letters Patent therefore which may be granted.

**I HEREBY AUTHORIZE ASSIGNEE** to make application for and to receive Letters Patent for said invention in any foreign countries in its own name, or in my name, at its election.

**AND I HEREBY COVENANT AND AGREE** that I will execute or procure any further necessary assurance of title to said invention and any Letters Patent which may issue therefor and

that I will, at any time, upon the request and at the expense of ASSIGNEE deliver any testimony in any legal proceedings and execute all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patent which may be granted therefor in ASSIGNEE, its successors, assigns, or other legal representatives, and that I will, at any time, upon the request and at the expense of the ASSIGNEE execute any continuations, divisions, reissues, or any other additional applications for Letters Patent for said invention or any part or parts thereof, all of which applications and any Letters Patent issuing thereof are hereby assigned to ASSIGNEE, and will make all rightful oaths, and do all lawful acts requisite for procuring the same therein, without further compensation, but at the expense of ASSIGNEE, its successors, assigns or other legal representatives.

AND I HEREBY AUTHORIZE AND REQUEST the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States for said invention, resulting from any of the aforesaid application to assignee.

WITNESS MY HAND and seal this 21 of MAY, 2001.

Ronald Doud

STATE OF VIRGINIA

COUNTY OF FAIRFAX

On this 21 day of MAY, 2001 personally appeared before me Renell G. Jones to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Allen T. Tidwell  
Notary Public

My commission expires: 1-31-04

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